



House of Representatives

General Assembly

File No. 203

January Session, 2003

House Bill No. 5810

House of Representatives, April 7, 2003

The Committee on General Law reported through REP. FOX of the 144th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE LIQUOR CONTROL ACT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 30-39 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 (a) For the purposes of this section, the "filing date" of an application
4 means the date upon which the department, after approving the
5 application for processing, mails or otherwise delivers to the applicant
6 a placard containing such date.

7 (b) (1) Any person desiring a liquor permit or a renewal of such a
8 permit shall make a sworn application therefor to the Department of
9 Consumer Protection upon forms to be furnished by the department,
10 showing the name and address of the applicant and of [his] the
11 applicant's backer, if any, the location of the club or place of business
12 which is to be operated under such permit and a financial statement
13 setting forth all elements and details of any business transactions

14 connected with the application. Such application shall include a
15 detailed description of the type of live entertainment that is to be
16 provided. A club or place of business shall be exempt from providing
17 such detailed description if the club or place of business (A) was issued
18 a liquor permit prior to October 1, 1993, and (B) has not altered the
19 type of entertainment provided. The application shall also indicate any
20 crimes of which the applicant or [his] the applicant's backer may have
21 been convicted. Applicants shall submit documents sufficient to
22 establish that state and local building, fire and zoning requirements
23 and local ordinances concerning hours and days of sale will be met,
24 except that local building and zoning requirements and local
25 ordinances concerning hours and days of sale shall not apply to any
26 class of airport permit. The State Fire Marshal or [his] the marshal's
27 certified designee shall be responsible for approving compliance with
28 the State Fire Code at Bradley International Airport. Any person
29 desiring a permit provided for in section 30-33b shall file a copy of
30 [his] such person's license from the Division of Special Revenue or the
31 Gaming Policy Board with such application. The department may, at
32 its discretion, conduct an investigation to determine whether a permit
33 shall be issued to an applicant.

34 (2) The applicant shall pay to the department a nonrefundable
35 application fee, which fee shall be in addition to the fees prescribed in
36 this chapter for the permit sought. An application fee shall not be
37 charged for an application to renew a permit. The application fee shall
38 be in the amount of ten dollars for the filing of each application for a
39 permit by a charitable organization, including a nonprofit public
40 television corporation, a nonprofit golf tournament permit, a
41 temporary permit or a special club permit; and for all other permits in
42 the amount of one hundred dollars for the filing of an initial
43 application. Any permit issued shall be valid only for the purposes and
44 activities described in the application.

45 (3) The applicant, immediately after filing an application, shall give
46 notice thereof, with the name and residence of the permittee, the type
47 of permit applied for and the location of the place of business for

48 which such permit is to be issued and the type of live entertainment to
49 be provided, all in a form prescribed by the department, by publishing
50 the same in a newspaper having a circulation in the town in which the
51 place of business to be operated under such permit is to be located, at
52 least once a week for two successive weeks, the first publication to be
53 not more than seven days after the filing date of the application and
54 the last publication not more than fourteen days after the filing date of
55 the application. The applicant shall affix, and maintain in a legible
56 condition upon the outer door of the building wherein such place of
57 business is to be located and clearly visible from the public highway,
58 the placard provided by the department, not later than the day
59 following the receipt of the placard by the applicant. If such outer door
60 of such premises is so far from the public highway that such placard is
61 not clearly visible as provided, the department shall direct a suitable
62 method to notify the public of such application. When an application is
63 filed for any type of permit for a building that has not been
64 constructed, such applicant shall erect and maintain in a legible
65 condition a sign not less than six feet by four feet upon the site where
66 such place of business is to be located, instead of such placard upon
67 the outer door of the building. The sign shall set forth the type of
68 permit applied for and the name of the proposed permittee, shall be
69 clearly visible from the public highway and shall be so erected not
70 later than the day following the receipt of the placard. Such applicant
71 shall make a return to the department, under oath, of compliance with
72 the foregoing requirements, in such form as the department may
73 determine, but the department may require any additional proof of
74 such compliance. Upon receipt of evidence of such compliance, the
75 department may hold a hearing as to the suitability of the proposed
76 location. The provisions of this subdivision shall not apply to
77 applications for airline permits, charitable organization permits,
78 temporary permits, special club permits, concession permits, military
79 permits, railroad permits, boat permits, warehouse permits, brokers'
80 permits, out-of-state shippers' permits for alcoholic liquor and out-of-
81 state shippers' permits for beer, coliseum permits, coliseum concession
82 permits, special sporting facility restaurant permits, special sporting

83 facility employee recreational permits, special sporting facility guest
84 permits, special sporting facility concession permits, special sporting
85 facility bar permits, nonprofit golf tournament permits, nonprofit
86 public television permits and renewals. The provisions of this
87 subdivision regarding publication and placard display shall also be
88 required of any applicant who seeks to amend the type of
89 entertainment upon filing of a renewal application.

90 (4) In any case in which a permit has been issued to a partnership, if
91 one or more of the partners dies or retires, the remaining partner or
92 partners need not file a new application for the unexpired portion of
93 the current permit, and no additional fee for such unexpired portion
94 shall be required. Notice of any such change shall be given to the
95 department and the permit shall be endorsed to show correct
96 ownership. When any partnership changes by reason of the addition of
97 one or more persons, a new application with new fees shall be
98 required.

99 (c) Any ten residents of the town within which is intended to be
100 operated the business for which the permit or renewal thereof has been
101 applied for, or, in the case of a manufacturer's or a wholesaler's permit,
102 any ten residents of the state, may file with the department, within
103 three weeks from the filing date of the application for an initial permit,
104 and in the case of renewal of an existing permit, at least twenty-one
105 days before the renewal date of such permit, a remonstrance
106 containing any objection to the suitability of such applicant or
107 proposed place of business. Upon the filing of such remonstrance, the
108 department, upon written application, shall hold a hearing and shall
109 give such notice as it deems reasonable of the time and place at least
110 five days before such hearing is had. The remonstrants shall designate
111 one or more agents for service, who shall serve as the recipient or
112 recipients of all notices issued by the department. The decision of the
113 department on such application shall be final with respect to the
114 remonstrance.

115 (d) No new permit shall be issued until the foregoing provisions of

116 subsections (a) and (b) of this section have been complied with. Six
117 months' or seasonal permits may be renewed, provided the renewal
118 application and fee shall be filed at least twenty-one days before the
119 reopening of the business, there is no change in the permittee,
120 ownership or type of permit, and the permittee or backer did not
121 receive a rebate of the permit fee with respect to the permit issued for
122 the previous year.

123 (e) The department may renew a permit that has expired if the
124 applicant pays to the department a nonrefundable late fee pursuant to
125 subsection (c) of section 21a-4, which fee shall be in addition to the fees
126 prescribed in this chapter for the permit applied for. The provisions of
127 this subsection shall not apply to one-day permits, to any permit which
128 is the subject of administrative or court proceedings, or where
129 otherwise provided by law.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>

GL *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Consumer Protection, Dept.; Attorney General	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

This bill requires liquor permittees who intend to change the type of entertainment they offer in their establishments to place notices in their local newspapers and place a placard they receive from the Department of Consumer Protection (DCP) on the outer door of the establishment. Violators are subject to fines of up to \$1,000, imprisonment or both, for each offense.

It is anticipated that any workload increase associated with the passage of this bill can be performed by staff without the need for additional budgetary resources.

It is anticipated that few additional offenses under Section 30-113 of the general statutes would occur under the provisions of this bill. There were 71 offenses under the Liquor Control Act in FY 02 with 25 convictions. Fines totaling \$6,650 were imposed on 14 offenders and one was incarcerated.

OLR Bill Analysis

HB 5810

AN ACT CONCERNING THE LIQUOR CONTROL ACT**SUMMARY:**

This bill requires liquor permit applicants who are currently required to notify the public about their applications to follow the same procedures when they intend to change the type of live entertainment they offer as part of a permit renewal application. As is the case under current law, certain special use liquor permits are exempt from these requirements.

Violators of the bill are subject to fines of up to \$1,000, imprisonment for up to one year, or both, for each offense.

EFFECTIVE DATE: October 1, 2003

NOTIFYING THE PUBLIC

By law, most people filing liquor permit applications must place notices in the local newspaper where their business will be operated. Notices give the applicant's name and address, the type of permit applied for, the business location, and the type of live entertainment to be provided. They must also affix a placard the Department of Consumer Protection sends them on the building's outer door or some other location clearly visible to passersby. The bill directs permit holders to follow the same procedures when their renewal application includes a change in the form of live entertainment they will offer.

Exempted Renewal Applications

Under the bill, publicity need not be given to renewal applications involving the following permit types: airline; charitable organization; temporary; special club; concession; military; railroad; boat; coliseum or coliseum concession; special sporting facility restaurant, employee recreational, guest, concession, or bar; and nonprofit golf tournament or public television. These permit types are exempt under the current law's publicity requirements.

COMMITTEE ACTION

General Law Committee

Joint Favorable Report

Yea 17 Nay 0